

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

|   |   |                                     |
|---|---|-------------------------------------|
| <b>DAVID JACKSON</b>                      | § | <b>PLAINTIFF</b>                    |
|   | § |                                     |
| v.  | § | <b>CIVIL NO.: 1:16cv199-HSO-JCG</b> |
|   | § |                                     |
| <b>MARSHALL FISHER in his</b>             | § |                                     |
| <i>individual and official capacities</i> | § |                                     |
| <i>as Commissioner of MDOC;</i>           | § |                                     |
| <b>JACQUELYN BANKS in her</b>             | § |                                     |
| <i>individual and official capacities</i> | § |                                     |
| <i>as Superintendent of SMCI; and</i>     | § |                                     |
| <b>CENTURION (Company), Medical</b>       | § |                                     |
| <i>Provider</i>                           | § | <b>DEFENDANTS</b>                   |

**FINAL JUDGMENT**

This matter is before the Court on the Report and Recommendation [38] of United States Magistrate Judge John C. Gargiulo, entered on November 17, 2016, recommending that the Court dismiss without prejudice the Complaint [1] filed by Plaintiff David Jackson for failure to exhaust available administrative remedies. The Court, after a full review and consideration of the pleadings on file, the record as a whole, and relevant legal authority, finds that in accord with its Order entered herewith adopting the Report and Recommendation [38],

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, this civil action is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED AND ADJUDGED**, this the 6<sup>th</sup> day of February, 2017.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE